

January 19, 2004

Mr. Gilbert S. Coloma-Agaran
Director
Department of Public Works and
Environmental Management
200 South High Street
Wailuku, HI 96793

Aloha Mr. Coloma-Agaran:

SUBJECT: Draft Environmental Assessment (DEA)
National Ocean Service Kihei Facility Project
TMK: (2) 3-9-001:087

Thank you for your comments on our Draft Environmental Assessment for the National Ocean Service (NOS) Kihei Facility Project (KFP). Please find our specific responses to your comments below:

1. We will require our construction contractor to submit a plan for construction and demolition waste disposal and recycling prior to construction.
2. We understand that the capacity level cannot be ensured at this time. We will continue to work with you and your staff and mutually address the issue of wastewater capacity as our project progresses.
3. We would respectfully like to point out that, as a federal agency, we are exempt from the requirement to have a building permit, plan reviews, inspections, etc., or to pay for such services as a prerequisite to commence construction. (See Public Buildings Amendment of 1988 (42 U.S.C. §619). Additionally, we are not authorized to pay assessment fees unless we can clearly demonstrate to our legal counsel that the fees are not a tax.
4. We will calculate the wastewater contribution and show the location of our cleanout on the sewer service lateral for the lot.
5. Our kitchen facilities will comply with pre-treatment requirements.
6. We will continue to develop our design so that our non-contact cooling water and condensate will not drain to the wastewater system.
7. We will utilize best management practices to the maximum extent practicable to contain dust and sediment on our project site.

8. We have been advised by your department that Ms. Zoe Norcross is qualified to make a determination on the coastal dune including limits of the dune. We have met with the County of Maui, Planning Department and intend to keep them informed of progress on the project. We are in the process of determining a shoreline setback. However, as with the building permit, we are exempt from the requirement to have a grading permit.

9. We will continue to develop our design so that the drainage system will comply with the drainage rules to the maximum extent practicable.

10. Although we are exempt from the Maui County Code, we will, however, continue to work with you and your staff to develop plans to address the impacts of our project on South Kihei Road.

Again, thank you for your comments and interest in this project, and we are looking forward to continuing to work with your office in the future.

Sincerely,

Claire Cappelle
KFP Responsible Program Manager &
Maui County Liaison